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unfortunate for any plan to have been adopted that would have made the court the creature of a few great powers and reduced the majority of the nations of the world to a position of permanent political subjection. It will probably be found in the long run that the South American and European small states, in the brave contest which they made for the principle of national equality, have performed a service of the first order in the interests of both justice and peace. It is the first time that these powers have ever had an opportunity unitedly to exert their influence in a practical and effective way in behalf of their full rights as independent and sovereign states, as against certain pretensions of the great powers towards them. The permanent international court of justice, now adopted in principle by the world, will in due time be organized and put into successful operation. It will be all the greater and more potent an instrument of peaceful civilization if behind it lies the full and undisputed recognition of the principle of national equality, "the very soul of the science of international law," for it will in that event be a true court of international justice, free from all political bias and exploitation.

The New Case Before the Hague Court.

The fisheries question, which has long been a source of contention between the governments of Great Britain and the United States, has at last a prospect of settlement. It will be referred to the Hague Court. The decision to refer it to this tribunal was reached a few weeks ago, when Hon. Whitelaw Reid, our ambassador at London, acting under instructions from Secretary Root, with the approval of the President, proposed this solution of the problem to the British Foreign Office. The proposal was accepted by Great Britain, Canada and Newfoundland, though by the latter somewhat reluctantly, after every effort to adjust the difficulties by diplomatic correspondence and *modus vivendi* had failed.

The exact points to be determined by the arbitration are not made clear by the dispatches, but they relate to the interpretation of the British-American treaty of 1818. Under this treaty Americans are given equal rights with British subjects to fishing privileges within a three-mile limit of the shore off the south and west coasts of Newfoundland, the Atlantic coasts of Labrador, which is connected politically with Newfoundland, the Magdalen Islands, and the far-eastern shores of Quebec, which come under the jurisdiction of Canada.

While Canada is interested in the outcome of the arbitration, Newfoundland is at present more vitally concerned in it. Friction with that colony has grown in recent years, and grown, it is said, in proportion as the supply of fish along its shores, which was unlimited at the time of the making of the treaty, has become less

and one of its chief means of support seriously threatened with destruction. Acting for its self-preservation, Newfoundland has felt obliged to pass restrictive laws, and, in spite of our treaty rights, it maintains that they apply to American and Newfoundland fishermen alike. These laws forbid the use of purse seines, a means of taking fish which greatly reduces the supply, but which has proved to be a quick and profitable method to our fishermen. They also forbid fishing on Sunday, a practice by following which we have gained a distinct commercial advantage over our Newfoundland rivals, who are compelled to abstain. Neither purse seines nor Sunday fishing are mentioned in the treaty, but it is held by some of our fishermen that what the treaty does not forbid it allows. The Newfoundland government also objects to our shipping native fishermen in Newfoundland ports, as we have for some years done, to save the expense of carrying large crews to the fishing grounds from the United States. To aggravate the situation, these fishermen, while on our ships, use the purse seines, which the law forbids them to use on their own. There is also an old question as to whether the three-mile limit should be measured from a line drawn across the mouths of bays, or should follow their inside contour. Our contention has been that the limit should be construed as permitting us to fish within the bays and also the inlets of the bays. For years, under the *modus vivendi*, which has served in place of explicit interpretations, we have carried on extensive fishing inside the bays, especially within the Bay of Islands, on the west coast of Newfoundland, where we take valuable cargoes of herring in winter.

While the question is pending before the Hague Court the fishing is to go on under a compromise arranged between Great Britain and the United States. This compromise, although it makes important concessions on our part, fails to satisfy Newfoundland, and in the present temper of the colonial officers the British government has thought it wise, in order to prevent further annoyance, to suspend, by an Order in Council, the Newfoundland Foreign Fishing Vessels Act under which Americans have suffered.

Growing out of the dispute about fishing rights is another question, which concerns not only Canada and Newfoundland, but all the British colonies. It is like the question which came up between Japan and the United States, when San Francisco sought self-protection by local legislation against Japanese subjects, in violation of their treaty rights, as established between our national government and Japan. Are the laws of a British colony valid if contrary to a treaty made by the home government with a foreign power? or, to put the question in another way, Can Great Britain legally

override the legislation of one of her self-governing colonies? Sir Robert Bond, the Premier of Newfoundland, and her spokesman, using language that reminds us of Lord Russell replying to Charles Francis Adams, asserting the sole right of the British government to interpret its statutes in the Alabama claims case, expresses doubts whether colonial statutes should be subjected to arbitration. This feature of the case, which in the opinion of Sir Robert Bond is the only question, together with the fact that it is a dispute of long-standing, complicated, and involving large financial interests, makes it the most important that has ever come before the Hague Court.

Whatever the issue,—and Americans feel that for years custom has favored their side of the case, and therefore may help them in the decision, although Newfoundland has natural rights also to be considered,—it is a satisfaction to know that the matter is likely to be settled and may not continue to embarrass our relations with Great Britain. It is also gratifying to see our government, which for nearly a century has preferred arbitration to war in settling its difficulties with Great Britain, still true to its best traditions. The reference of this case to the Hague Court is consistent with the splendid example set by President Roosevelt, when he made that Court a living international institution by sending to it its first case, which is known as the Pious Fund Case between the United States and Mexico. It accords well with the fraternal spirit shown by Secretary Root at the time of his visit to Canada and in all his recent speeches on international relations. Everybody will feel that he has given practical form to the high principles of international ethics which he has advocated. It is also most reassuring to find that Great Britain and her two colonies who are parties in the present dispute have all given their consent to arbitrate, and we hope that they will have no occasion to regret their action. The whole negotiation, based upon a desire to attain justice by reasonable and humane methods, together with the generous concessions made while the case is pending, is another sign that the arbitration of international questions has become a part of an established world order.

A war between the United States and Great Britain, considering the high state of their civilization, and the fraternal feeling which exists between them, would be foolish and criminal. A war, if conducted like that between Japan and Russia, which affords the latest example of the damage two great powers can do to each other, would kill off more men than are employed in the fishing industry, some of them doubtless the fishermen themselves, who are ready material for enlistment, and would destroy property, costly battleships included,

amounting to a larger sum than may be realized by both nations from the profits of the industry in the next hundred years, while the settlement thus made might be further from justice than is the condition of the question with all its vexations to-day.

Editorial Notes.

Paris Councillors
in London

The visit which the London Corporation made to Paris last year has just been returned by the president and members of the Municipal Council of Paris. The delegation, consisting of about seventy persons, arrived in London on the evening of October 6, and received a very cordial welcome from the Lord Mayor and sheriffs at St. Paul's Station. A deputation from London had met the visitors at Dover and accompanied them to London. Mr. Pannell, chairman of the reception committee, in welcoming the French Councillors, said: "We realize that these international municipal amenities are conducive to a more complete understanding and cordial relationship between the peoples of France and England." Mr. Lefevre, president of the Paris Council, in thanking the London Councillors for their cordial welcome, recalled former visits and said that they all rejoiced to find themselves again in London, and felt that they were not embarking upon a foreign soil, but were simply returning to a friendly country. A distinguished civic company was on the platform to welcome the visitors when they arrived in London. The visit continued for several days, during which the Frenchmen were taken to many of the leading places of London, the Tower, the Tower Bridge, the Mansion House, the Billingsgate Market, the Foreign Cattle Market, etc. The civic dinner given by the Lord Mayor in the Guildhall was reported to be an unusually brilliant affair. Every part of the floor of the vast building was covered with tables and some of the guests had to be served in a gallery. The speeches made on this occasion reflected strongly the new spirit that has come to prevail between France and England. The French Ambassador, in proposing the toast to the Lord Mayor and Corporation of the City of London, said that "all misunderstandings between the two countries had been dispelled, and the bonds of an enduring friendship had been established." He further declared that "between two non-competing countries, who exchanged every year products valued at eighty million pounds sterling, whose governments were inspired by a common ideal of progress and liberty, *misunderstanding was contrary to nature.*" That is the new sentiment that is prevailing to-day between the French and the English of practically every class. It gives promise of a continuance in a much finer form of the peace which, in spite of many bickerings and ill feelings, has already lasted for